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OFFICE OF PETITIONS

In re Application of
Nick E. Clavarella et al.
Application No. 10/692,906
Filed: October 25, 2003
Attorney Docket No. GOJ.P.98US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed March 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply to the final Office action mailed September 21, 2007. Petitioner was advised by way of Advisory Notice mailed December 26, 2007, that the response filed December 3, 2007 failed to place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed April 29, 2008.

The present petition under 37 CFR 1.137(b) is accompanied by an amendment.

The Examiner has determined that the amendment filed with the present petition places the application in condition for allowance.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The matter is being referred to Technology Center 3754.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions